

THE MONTHLY MEETING OF BERKELEY COUNTY COUNCIL is scheduled to be held on **MONDAY, January 23, 2012**, following the meetings of any scheduled Committees at **6:02 p.m.**, in the **ASSEMBLY ROOM, BERKELEY COUNTY ADMINISTRATION BUILDING, 1003 HIGHWAY 52, MONCKS CORNER, S. C.**

CALL TO ORDER

APPROVAL OF MINUTES:

Public Hearings: Bills 11-19, 11-36, 11-39, 11-40
Regular Council Meeting

December 12, 2011
December 12, 2011

PUBLIC DISCUSSION - Requests to be heard must be made prior to Call to Order and comments must be limited to Agenda items only.

COMMENTS ON ANY PUBLIC DISCUSSION ITEM WILL BE LIMITED TO THREE (3) MINUTES PER SPEAKER. (A TOTAL OF 30 MINUTES WILL BE ALLOTTED FOR THIS PUBLIC DISCUSSION PERIOD.)

EXECUTIVE SESSION to discuss matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries, or other businesses in the area served by the County; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claim, or the position of the County in other adversary situations involving the assertion against the County of a claim.

CHAIRMAN OF COUNTY COUNCIL

A. Frank Carson, PE, Engineer, Re: Update on Transportation Sales Tax Program.

REPORTS FROM STANDING COMMITTEES:

- 1. Committee on Finance**
Council Member, Mr. Jack H. Schurlknight, Chairman
 - a. Capital Project, General Obligation Bonds, Series 2009A for the St. Stephens Library and Magistrate Office.
- 2. Committee on Land Use**
Council Member, Mr. Phillip Farley, Chairman
- 3. Committee on Public Works and Purchasing**
Council Member, Mr. Caldwell Pinckney, Jr., Chairman
 - a. CBWWTP Flow Diversion Contract 2

4. **Committee on Justice and Public Safety**
Council Member, Mr. Steve C. Davis, Chairman
 - a. 2010 LEMPG Competitive Project Award
 - b. 2011 HMEP Planning Grant
5. **Committee on Water and Sanitation**
Council Member, Mr. Robert O. Call, Jr., Chairman
 - a. Curb-side Recycling – Daniel Island
6. **Committee on Planning and Development**
Council Member, Mrs. Cathy S. Davis, Chairman
7. **Committee on Community Services**
Council Member, Mr. Timothy J. Callanan, Chairman
8. **Committee on Human Services**
Council Member, Mr. Dennis Fish, Chairman

THIRD READING:

1. **Bill No. 11-19**, an **ordinance** authorizing (1) the execution and delivery of (a) a Second Amended and Restated Fee-In-Lieu of Tax and Incentive Agreement by and between Berkeley County, South Carolina (the "county") and **HLIT IV SC-1, L.P.** and **HLIT IV SC-2, L.P.** and (b) a Second Amended and Restated Fee-In-Lieu of Tax and Incentive Agreement by and between the county and **HW BERKELEY PHASE II-A, LLC, HW BERKELEY PHASE II-B, LLC** and **HW BERKELEY PHASE II-C, LLC**, in connection with investment in the county; and (2) other matters relating to the foregoing.
[Recommended by Committee on Finance]
2. **Bill No. 11-42**, an **ordinance** to **amend** certain sections of **Ordinance No. 01-8-35**, the Berkeley County Zoning and Development Standards ordinance, as amended, to **govern the size, number, location, and design of all off-street parking and loading facilities in the unincorporated areas of Berkeley County.**
[Recommended by Committee on Land Use]
3. **Bill No. 11-43**, an **ordinance** to **amend** certain sections of **Ordinance No. 01-8-35**, the Berkeley County Zoning and Development Standards ordinance, as amended, to provide for the **regulation uses permitted with conditions within the Light Industrial (LI) Zoning District.**
[Recommended by Committee on Land Use]
4. **Bill No. 11-44**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Thomas & Hutton for Stanley Miles Properties, LLC (Charleston Auto Auction)**, located at 651 Precast Lane, Moncks Corner, **TMS #196-00-00-031 & 196-00-00-105** (53.18 +/- Acres) from **PDMU**,

Planned Development Mixed Use District to GC, General Commercial District.
Council District No. 6.
[Recommended by Committee on Land Use]

SECOND READING:

1. **Bill No. 11-45, Request by Amy Murray for Fred Holseberg**, located at 1880 N. Main St., Summerville, TMS #222-13-06-011 (4.40 +/- Acres) from **R-1, Single Family Residential District to GC, General Commercial District.** Council District 4.
[Staff recommended approval]
[Planning Commission recommended approval - Unanimous]
2. **Bill No. 11-46, Request by Giles Branch for Marion's Run, LLC**, located on Clements Ferry Road adjacent to Legrand Blvd, Charleston, TMS #271-00-02-035 (17.95 +/- Acres) from **R-4, Multi-Family Small Scale District to R-5, Multi-Family Large Scale District.** Council District 8
[Staff recommended approval]
[Planning Commission recommended conditional approval – Unanimous]
3. **Bill No. 11-47, Request by Maxie Gadsden**, located at 3484 Steed Creek Road, Huger, TMS #202-00-00-012 (0.42 +/- Acres) from **Flex-1, Agricultural District to RNC, Rural and Neighborhood Commercial District.** Council District 8
[Staff recommended approval]
[Planning Commission recommended approval – Unanimous]
4. **Bill No. 11-48**, an **ordinance** of the County Council of Berkeley County providing for the amendments of that certain **Water Purchase and Supply Agreement** between the **Lake Marion Regional Water Agency** and Berkeley County, South Carolina; and other matters relating thereto.

FIRST READING:

1. **Bill No. 11-49**, an **ordinance** (1) authorizing the execution and delivery of fee in lieu of tax and incentive agreement (the "Incentive Agreement") by and between Berkeley County, South Carolina ("The County") and **MWV-Omni, LLC**, acting for itself, or one or more affiliates or other project sponsors, (The "Company"), in connection with the establishment of certain facilities and/or the making of certain investments in the County (The "Project"); (2) authorizing the benefits of a multi-county industrial or business park to be made available to the Company and the Project; (3) approving and ratifying the assignment and transfer to the Company of the rights, interests, and obligations of Eastway Properties, LLC ("Eastway") and TC-MET OMNI PHASE I, LLC ("TC-MET") under (i) the fee in lieu of tax agreement by and between the County and Eastway dated as of June 9, 2008 and (ii) the partial assignment and assumption of fee in lieu of tax agreement by and between Eastway and TC-MET (Collectively, the existing FILOT

Agreement); (3) authorizing termination of the existing FILOT Agreement upon execution and delivery of the incentive agreement; and (4) authorizing other matters relating thereto.

RESOLUTIONS:

1. **RESOLUTION** providing for the **Transfer of Funds** in the **2011-2012 Berkeley County Budget** for County purposes other than as specified in said budget.
2. **RESOLUTION** for the Timberland Football Team State Champions, AA Division.

NOMINATIONS FOR MEMBERSHIP ON BOARDS, COMMISSIONS, ETC.

AERONAUTICS COMMISSION
CHARLESTON REGIONAL DEVELOPMENT ALLIANCE
DEVON FOREST SPECIAL TAX DISTRICT
GOOSE CREEK RECREATION COMMISSION
LIBRARY BOARD
MENTAL HEALTH BOARD
SANGAREE SPECIAL TAX DISTRICT
SPECIAL FIRE TAX DISTRICT
TAX ASSESSMENT REVIEW BOARD
ZONING APPEALS BOARD

CORRESPONDENCE

UNFINISHED BUSINESS

NEW BUSINESS

ANNOUNCEMENTS

THE FEBRUARY 2012, REGULAR MEETING OF BERKELEY COUNTY COUNCIL, WILL BE HELD ON MONDAY, FEBRUARY 27, 2012, IMMEDIATELY FOLLOWING PUBLIC HEARINGS AND ANY SCHEDULED COMMITTEE MEETINGS AT 6:00 PM, IN THE ASSEMBLY ROOM OF THE BERKELEY COUNTY ADMINISTRATION BUILDING, 1003 HIGHWAY 52, MONCKS CORNER, S. C.

ADJOURNMENT

EXECUTION OF DOCUMENTS BY COUNCIL

PUBLIC DISCUSSION

COMMENTS ON ANY PUBLIC DISCUSSION ITEM WILL BE LIMITED TO THREE (3) MINUTES AND MAY BE ON ANY MATTER.

January 18, 2012
S/Catherine R. Windham
Interim Clerk of County Council